

Exhibit A

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION
KENNETH REAVES,)
)
Plaintiff,)
) CIVIL ACTION FILE
vs.)
) NO. 1:11-CV-4138-RLV
GMAC MORTGAGE, LLC and)
U.S. BANK NATIONAL)
ASSOCIATION,)
)
Defendant.)

DEPOSITION OF CARITA BOWERS
APRIL 27, 2012
11:00 A.M.

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1 MR. RACHEL: She is going to read and sign
2 at the end of the deposition.
3 What about objections?
4 MS. GLENN: That's what I thought you were
5 asking me earlier. Let's not waive objections.
6 Let's put them on the record.
7 MR. RACHEL: We are going to put
8 objections on the record. At this time she
9 will be sworn in.
10 CARITA BOWERS,
11 having been first duly sworn, was deposed and testified as
12 follows:
13 EXAMINATION
14 BY MR. RACHEL:
15 Q Okay. Could you please state your name
16 for the record?
17 A Carita Bowers.
18 Q And could you state your address for the
19 record?
20 A 527 Lantern Wood Drive, Scottdale, Georgia
21 30079.
22 Q Okay. And I would just like to -- when I
23 start a deposition, I like to do a quick
24 housekeeping.
25 When we do the deposition, of course, I'm

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1 APPEARANCES OF COUNSEL
2 On behalf of the Plaintiff:
3 David P. Rachel, Esq.
4 On behalf of Defendants:
5 Teah N. Glenn, Esq.
6 Also present:
7 Joe Edlin (via telephone)
8 Kenneth Reaves
9 * * *
10 MR. RACHEL: This is deposition of Carita
11 Bowers. Is that the correct pronunciation?
12 THE WITNESS: Yes.
13 MR. RACHEL: In the case of Kenneth Reaves
14 versus GMAC Mortgage and Bank National -- US
15 Bank National Association.
16 This deposition will be taken pursuant to
17 the Civil Practice Act and will be used for all
18 applicable purposes.
19 Are we going to waive signature?
20 MS. GLENN: Let's do it.
21 MR. RACHEL: The parties have consented
22 she is going to sign the document at the end of
23 the deposition.
24 MS. GLENN: No, I'm sorry. She's going to
25 read and sign.

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1 going to ask the questions. Once I finish with the
2 questions, then you will then answer the questions.
3 During the time I ask the questions, if
4 you would please refrain from answering any
5 questions, and when you're answering the questions,
6 then I will do the same and refrain. That way we
7 both are not talking at the same time.
8 A Yes.
9 Q And Ms. Bowers, could you tell me where do
10 you work?
11 A GMAC Mortgage.
12 Q And how long have you been there?
13 A Five years.
14 Q And what is your job title there?
15 A Community Relations Specialist.
16 Q And what exactly do you do as a Community
17 Relations Specialist?
18 A I meet with customers one-on-one to
19 discuss loss mitigation options. I work with
20 nonprofit organizations to tell them about the GMAC
21 brand, to do some community revitalization and
22 neighborhood stabilization.
23 Q Now, where is your office located?
24 A At 2 Ravinia Drive, Suite 500, Atlanta,
25 Georgia 30356.

<p style="text-align: right;">Page 5</p> <p>1 Q Is that the office you work out of at all 2 times? 3 A Yes. 4 Q Do you travel to any other states with 5 GMAC? 6 A Yes. 7 Q Approximately how many states do you 8 travel to? 9 A All of them except maybe Hawaii. 10 Q Okay. And you have the same 11 responsibilities when you travel to those states? 12 A Yes. 13 Q And when you travel to those states, how 14 do you keep in contact with your office? 15 A Can you tell me what you mean by "my 16 office"? 17 Q Yes. Do you use a cell phone? Do you use 18 E-mail? How do you communicate with the office? 19 A Are you referring to my main office, 20 GMAC's main office? 21 Q Your main office on Ravinia Drive or any 22 of your customers that need to reach you, how would 23 they reach you? 24 A Telephone. 25 Q Is that a cell phone or -- I'm assuming a</p>	<p style="text-align: right;">Page 7</p> <p>1 Q Now, do you travel a lot? 2 A What do you mean "a lot"? 3 Q Approximately how many times do you travel 4 from your office, whether it be a flight or whether 5 it be a drive or a train or bus or any other kind of 6 medium, to any other office other than the one on 7 Ravinia Drive per month? How often would you say 8 that happens? 9 A It differs. I cannot -- 10 Q On average? 11 A Several times a year. 12 Q Would you say approximately maybe two or 13 three times a month? 14 A At times. 15 Q At times. What is the most amount of 16 times you've traveled in one month approximately? 17 A Five times. 18 Q And what's the least amount you've 19 traveled? 20 A None. 21 Q Does the traveling keep you away from your 22 family? 23 A At times. 24 Q How do you feel about that? 25 MS. GLENN: I'd object just as to</p>
<p style="text-align: right;">Page 6</p> <p>1 cell phone? 2 A When I am traveling it is a cell phone. 3 Q And who actually supplies that? Is that a 4 cell phone that GMAC supplies? 5 A Yes. 6 Q Does GMAC have all the phone records of 7 that phone? 8 A Yes. 9 Q Are you privy to any of those phone 10 records, such as call logs? 11 A What do you mean by "call logs"? 12 Q With the cell phone, when you call 13 someone, when the bill comes out, it shows you whom 14 you called, the date you called, the time you called 15 and the amount of time that you were on that phone 16 call. 17 Do you have privy to any of that 18 information? 19 A No. 20 Q So GMAC has all those records, okay. 21 MS. GLENN: Can we get an answer to that 22 on record? 23 MR. RACHEL: Sure. 24 THE WITNESS: I don't know. 25 BY MR. RACHEL:</p>	<p style="text-align: right;">Page 8</p> <p>1 relevance. 2 But you may answer. 3 THE WITNESS: I don't feel bad about it. 4 BY MR. RACHEL: 5 Q If you could not travel, would you take 6 that? 7 A No. 8 Q Now, have you ever given a deposition 9 before? 10 A Yes. 11 Q Approximately how many times? 12 A Three or four. 13 Q Now, at those depositions, were you made 14 aware of the penalties of perjury? 15 A Yes. 16 Q What were those depositions concerning? 17 A Insurance and a notary. 18 Q Have you ever had to give a deposition for 19 GMAC before? 20 A No. 21 Q Have you ever had to be a witness for GMAC 22 before? 23 A Yes. 24 Q And what was the reason you were a 25 witness? What was the type of case?</p>

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1 A It was a mediation.
2 Q Mediation for what type of case? Was it
3 wrongful foreclosure? A accident?
4 A I don't remember.
5 Q Approximately when was that?
6 A I don't remember.
7 Q Was it within the last -- how long have
8 you been working at GMAC, five years?
9 A Five years.
10 Q Was it within the last five years?
11 A Yes.
12 Q Have you ever spoken to Mr. Reaves before?
13 A Yes.
14 Q Approximately how many conversations have
15 you had with him?
16 A I don't remember.
17 Q Okay. Were those all phone conversations
18 or have you communicated with him via E-mail or
19 facsimile?
20 A Phone conversations.
21 Q So you have never communicated with him
22 via E-mail or facsimile?
23 A I don't remember.
24 Q Are you aware that in Georgia a person can
25 legally tape a phone conversation without the other

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1 party knowing?
2 MS. GLENN: Object just as to the
3 legality. You're asking her for a legal
4 conclusion or to propound on the law.
5 But you may answer to the extent you know.
6 THE WITNESS: No.
7 BY MR. RACHEL:
8 Q Did you ever ask Mr. Reaves if he was
9 taping any of your phone conversations?
10 A Yes.
11 Q Why did you ask him that?
12 A Because I wanted to know if he was taping
13 them.
14 Q Have you ever asked any other client of
15 GMAC or mortgage holder if they were taping a
16 conversation?
17 A Yes.
18 Q And approximately how many times have you
19 asked that question or how many people have you
20 asked that question to?
21 A I don't know.
22 Q Is it standard course of business for you
23 to ask someone if they're taping your conversations?
24 A What do you mean "standard course of
25 business"?

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1 Q Is that a protocol that GMAC -- under
2 GMAC's employee manual -- you are an employee of
3 GMAC; am I correct?
4 A Yes.
5 Q Did you receive an employee manual when
6 you were hired?
7 A Yes.
8 Q Did you review that employee manual?
9 A Yes.
10 Q Did the employee manual stipulate that you
11 should ask clients if they were taping your
12 conversations?
13 A No.
14 Q So this is something that you do on your
15 own?
16 A Yes.
17 Q Now, do you ask someone if they're taping
18 your conversations because of what you're going to
19 say?
20 A No.
21 Q How many times did you ask Mr. Reaves if
22 he was taping your conversation?
23 A I don't know.
24 Q Did you ever tell Mr. Reaves that you did
25 not want to lose your job?

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1 A I don't remember.
2 Q Do you think it's possible, given the
3 circumstances of his foreclosure, that you could
4 have asked him that?
5 MS. GLENN: Objection to the extent you're
6 asking the witness to speculate.
7 But you may answer, if you know.
8 THE WITNESS: I don't really -- I don't
9 understand the question.
10 BY MR. RACHEL:
11 Q Okay. Given the circumstances of why
12 you're here today -- are you aware of why you're
13 here today?
14 A Yes.
15 Q Why would you say you're here today?
16 A Mr. Reaves' property went to foreclosure
17 sale and he was told that the sale was going to be
18 postponed.
19 Q Okay. Who told him the sale was going to
20 be postponed?
21 A I did.
22 Q Okay. Now why did you tell him the sale
23 was going to be postponed?
24 A The notes in our system indicated that the
25 sale was going to be postponed.

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1 Q You are a supervisor, you said; is that
2 correct?
3 A No.
4 Q What is your position again?
5 A Community Relations Specialist.
6 Q Is that above a supervisor or what would
7 that be?
8 A No.
9 Q Are there supervisors above you?
10 A Yes.
11 Q Who was your direct supervisor at the time
12 Mr. Reaves' property went to foreclosure?
13 A Catherine Coto.
14 Q Did Ms. Coto ever review Mr. Reaves' file?
15 A I don't know.
16 Q Would it have been proper procedure after
17 the foreclosure, if there may have been an issue,
18 for her to review the file?
19 A I don't know.
20 Q Did you review the file after it
21 foreclosed?
22 A Yes.
23 Q Did you ask anyone else to review the
24 file?
25 A Yes.

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1 Q Who did you ask to review the file?
2 A I escalated the file through our
3 escalation process.
4 Q And who ultimately was supposed to review
5 that file?
6 A Once I escalated, I don't know who it
7 directly goes to.
8 Q Okay. So let me back up then. What is
9 the escalation process at GMAC?
10 A The escalation process for me is to send a
11 synopsis to an E-mail box that is handled by an
12 escalations person.
13 It's then sent off to various
14 departments who can make decisions on files.
15 Q So essentially it is possible that, given
16 the escalation process -- now you said it goes to an
17 E-mail box?
18 A Yes.
19 Q What is that E-mail box address?
20 A Hopeescalations.
21 Q @gmac.com?
22 A I don't know that for sure.
23 Q Now, approximately how many files have you
24 had to escalate in your five years with GMAC?
25 A I don't know.

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1 Q But -- let me make sure I'm understanding.
2 You have an escalation process with GMAC, and I'm
3 assuming is this a written process?
4 A Yes.
5 Q So you have written instructions from
6 GMAC?
7 A Yes.
8 Q Would you be able to produce those written
9 instructions?
10 A Yes.
11 Q Now, in those instructions essentially,
12 then, it says for you, if I'm understanding you, to
13 send any files that may have had a problem with the
14 foreclosure and may have been foreclosed improperly
15 or wrongfully foreclosed, to an E-mail address and
16 that someone will review it?
17 A Not necessarily. The E-mail box is for
18 any file that I want to have looked at.
19 Q Okay. And I may have asked this, but let
20 me make sure. Approximately how many files have you
21 ever asked to be reviewed?
22 A I don't know.
23 Q Would you say it was more than ten?
24 A Yes.
25 Q So it goes to this E-mail box,

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1 hopeescalations -- we do know that's part of it --
2 and then someone reviews it.
3 When they review it, do they communicate
4 with you and ask you any questions concerning why
5 you had it escalated?
6 A Yes.
7 Q Okay. who actually communicated with you
8 on this file, Mr. Reaves' file?
9 A You're asking me who exactly communicated
10 with me on this file?
11 Q Yes.
12 A Catherine Coto and Mark Folweiler.
13 Q I guess my next question -- I'm confused
14 because I asked previously did Catherine Coto review
15 the file and you told me you're not sure.
16 But now you're telling me that Catherine
17 Coto actually spoke to you about the file. So how
18 could she -- my question is: How could she speak to
19 you about the file if she didn't review the file?
20 A When you asked that question, I was
21 thinking did you mean was she the person who
22 reviewed the file when I sent it to the
23 hopeescalations E-mail box.
24 I do not know if she reviewed it at
25 that time. Ultimately she did respond to me about

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1 the file.

2 Q Okay. And you said it was Catherine Coto
3 and what was the other gentlemen's name?

4 A Mark Folweiler.

5 Q F-U-L-W-I?

6 A F-O-L-W-E-I-L-E-R.

7 Q What did Catherine Coto tell you about the
8 file? Actually, let me back up. What did you tell
9 Catherine about the file, why you escalated? Why
10 did you tell her or Mark, either one, why you
11 escalated the file?

12 MS. GLENN: Objection as to foundation.

13 BY MR. RACHEL:

14 Q I'll rephrase. When you spoke to
15 Catherine or Mark, when they originally contacted
16 you, what did you tell them about escalating the
17 file? What was your reason?

18 A I had told Mr. Reaves that the foreclosure
19 sale was going to be postponed.

20 Q Okay.

21 A The property went to foreclosure sale.

22 Q Okay.

23 A So my question was: Are we going to
24 rescind the foreclosure sale and to review him for a
25 modification.

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1 Q Now, do you believe that this file was
2 wrongfully foreclosed, Mr. Reaves was wrongfully
3 foreclosed on, based on the actions and the
4 happenings prior to the foreclosure?

5 MS. GLENN: Objection as to relevance,
6 speculation, asking for a legal conclusion.

7 BY MR. RACHEL:

8 Q In your role as a Community Relations
9 Specialist, would you say that this file should not
10 have been foreclosed on?

11 MS. GLENN: Objection as to relevance.
12 Speculation. Calling for a legal conclusion.

13 You may answer.

14 THE WITNESS: Yes.

15 BY MR. RACHEL:

16 Q Did you, at any time, tell Mr. Reaves that
17 you believe he was wrongfully foreclosed upon?

18 A I don't remember.

19 Q Did you, at any time, tell Mr. Reaves that
20 he should obtain an attorney?

21 A No.

22 Q Do you believe that Mr. Reaves, based on
23 the situation, should have obtained an attorney?

24 MS. GLENN: Objection as to relevance.
25 Improper layperson, calling for a legal

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1 conclusion.

2 THE WITNESS: I don't know.

3 BY MR. RACHEL:

4 Q Do you have a mortgage on your home?

5 A No.

6 Q If you had a mortgage on your home and the
7 same scenario happened, do you believe that it would
8 be grounds for a wrongful foreclosure?

9 MS. GLENN: Objection as to relevance.

10 Improper layperson, calling for a legal
11 conclusion.

12 THE WITNESS: I could not speculate.

13 BY MR. RACHEL:

14 Q What does GMAC's system say now as to why
15 Mr. Reaves' property was foreclosed upon?

16 MS. GLENN: Objection as to foundation.

17 THE WITNESS: The system said that we did
18 not have sufficient time to review him for a
19 modification.

20 BY MR. RACHEL:

21 Q Okay. In your opinion, did you have
22 sufficient time?

23 MS. GLENN: Objection as to improper lay
24 opinion.

25 THE WITNESS: Yes.

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1 BY MR. RACHEL:

2 Q When you sent the file up to escalation,
3 what did Catherine Coto tell you concerning a
4 rescinding of the foreclosure?

5 A That we would not rescind the foreclosure
6 sale.

7 Q And what was her reasoning?

8 A She did not give me a reason.

9 Q You've escalated files before, you said.
10 Is it normal GMAC procedure or is it normal for you
11 not to get a reason as to why it wasn't going to be
12 rescinded?

13 A Sometimes.

14 Q Has Catherine Coto ever not given you a
15 reason as to why something was not rescinded?

16 A Yes.

17 Q Now, according to the written
18 documentation that you have concerning escalation,
19 that we're going to ask to be produced, does it
20 state to you what is supposed to happen once it's
21 escalated?

22 Because apparently you're -- once it's
23 escalated, you're still going to be the point of
24 contact with whomever the client is, in this case
25 Mr. Reaves; am I correct?

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1 A Yes.
2 Q Okay. So does the writing state what you
3 are supposed to do in a case where Catherine Coto or
4 whomever is reviewing it will not give you a reason
5 what you are supposed to do with the client?
6 MS. GLENN: Objection. The documents
7 aren't in front of her, but to the extent they
8 were they would speak for themselves.
9 But you can answer to the extent you know
10 or recall.
11 THE WITNESS: I don't quite understand the
12 question.
13 BY MR. RACHEL:
14 Q The question being if you are still
15 communicating, the person that has to communicate
16 with Mr. Reaves, and you have explained to
17 Mr. Reaves that the file has been escalated -- did
18 you explain to Mr. Reaves the file had been
19 escalated? Let me ask that first.
20 A Yes.
21 Q So you are going to be still the point of
22 contact for Mr. Reaves. Did Mr. Reaves, at any
23 time, have any contact information for Catherine
24 Coto or Mark Folweiler?
25 A I don't think so.

1 Q Did, at any time, Mark Folweiler and
2 Catherine Coto discuss the file together?
3 A I don't know.
4 Q Did, at any time, Mark Folweiler and
5 Catherine Coto discuss the file together with you?
6 A Only to say that we would not rescind the
7 file.
8 Q And what is Catherine Coto's position?
9 A Eastern District Supervisor for the hope
10 team.
11 Q And what about Mark Folweiler?
12 A I don't know his exact title, but he is
13 the manager above Catherine.
14 Q So when you had any of the other files
15 escalated, was Catherine usually the person that
16 worked on those files?
17 A What do you mean by "worked on" the files?
18 Q When it was escalated, was she usually the
19 person that reviewed it and communicated with you
20 about it?
21 A No.
22 Q Who was that person?
23 A The person who manages the hope escalations
24 inbox.
25 Q And who is that?

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1 Q Is it normal course, pursuant to the
2 escalation, for you to give out any information
3 concerning the person who is escalating, who is
4 working on the file, to the mortgage holder?
5 A No.
6 Q So, then you would be the point of contact
7 for Mr. Reaves at all times?
8 A Yes.
9 Q In the previous situations where Ms. Coto
10 would not give you any kind of reason, what did you
11 tell the homeowner?
12 A I would give the homeowner the information
13 that the system showed regarding the denial.
14 Q Okay. And in this situation what does the
15 system say about a denial?
16 A That we had insufficient time to review
17 his documentation for a modification review.
18 Q Okay. What did Mark Folweiler tell you
19 about Mr. Reaves' file?
20 A That the sale would not be rescinded.
21 Q And what was his reasoning?
22 MS. GLENN: Objection as to foundation.
23 THE WITNESS: That we did not have enough
24 time to review the file.
25 BY MR. RACHEL:

1 A At this time it is Rashan Austin.
2 Q Who was it at the time Mr. Reaves was
3 foreclosed upon?
4 A I believe it was Rashan, but I am not
5 100 percent sure about that.
6 Q Okay. So in the other situations where
7 you have escalated it, you have typically spoke to
8 Rashan?
9 A Sometimes.
10 Q In any other escalations, have you ever
11 spoke to Catherine Coto?
12 A Yes.
13 Q In any other escalations have you ever
14 spoke to Mark Folweiler?
15 A Yes.
16 Q Have you ever spoken to anyone else when a
17 file was escalated?
18 A Not normally, no, but I cannot say never.
19 Q Okay. Is Mark Folweiler the highest
20 positioned person at GMAC that you have ever spoke
21 to when a file had been escalated?
22 A I don't know.
23 Q Is it common practice for Mark Folweiler
24 to get involved when you escalate a file?
25 A Sometimes.

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1 Q Have any of those files ever been
2 rescinded?

3 A I have seen files be rescinded.

4 Q Has any of the files that you've escalated
5 ever been rescinded?

6 MS. GLENN: To be clear, by "files" do you
7 mean foreclosure sales?

8 MR. RACHEL: Foreclosure sales.

9 BY MR. RACHEL:

10 Q Have they ever been rescinded?

11 A I'm sorry. Can you ask the question
12 again?

13 Q Sure. In any of the files that you've
14 ever escalated in your five years at GMAC, have any
15 of those files, if they were foreclosed upon, ever
16 been rescinded?

17 A Yes, I'm pretty sure some of them have.

18 Q You're pretty sure some have. Would you
19 estimate approximately how many? 15, 20?

20 A I don't know.

21 Q Would you say it was at least ten?

22 A No, I do not think it was ten.

23 Q Would you say it was at least five?

24 A I cannot say.

25 Q Would you believe it was less than five?

1 Q Do you believe those were called
2 miscellaneous fees -- miscellaneous corporate
3 advances?

4 A Corporate advances.

5 Q How many reinstatement documents or
6 reinstatement -- I guess you can say reinstatement
7 documents have you seen pertaining to the homeowner
8 having an amount broken down for them to reinstate?

9 How many would you say you've seen in your
10 five years at GMAC?

11 A I could not count.

12 Q Okay. What does miscellaneous corporate
13 advances mean?

14 A Corporate advances could mean charges for
15 VPO, foreclosure expenses, fees that were paid out
16 for certain things.

17 Q Such as?

18 A Inspections.

19 Q What type of inspections?

20 A Property inspections. It may include late
21 charges. That's the only thing I can think of right
22 now.

23 Q Okay. Now is it standard protocol for
24 GMAC to have a inspection during a foreclosure
25 process?

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1 A I just -- I cannot answer that question.

2 Q Now, let's talk about a little bit why
3 Mr. Reaves originally contacted you. Do you
4 remember Mr. Reaves originally contacting you?

5 A No, I do not have -- remember him
6 originally contacting me.

7 Q Did you ever speak to Mr. Reaves about a
8 reinstatement of his loan?

9 A Yes.

10 Q Did Mr. Reaves have a question concerning
11 that reinstatement?

12 MS. GLENN: Can you clarify what you mean
13 by "reinstatement"?

14 MR. RACHEL: Reinstatement, when he was in
15 foreclosure, he received a reinstatement letter
16 from GMAC saying he could pay X amount of
17 dollars and pay his loan and come out of
18 foreclosure.

19 BY MR. RACHEL:

20 Q So did he have any questions concerning
21 that reinstatement amount?

22 A Yes.

23 Q What was his question?

24 A To the best of my knowledge, his question
25 surrounded some fees.

1 A Yes.

2 Q What are they inspecting?

3 A To make sure that the property is
4 occupied.

5 Q Okay. So they basically go out and check
6 and see if the property is occupied?

7 A Yes.

8 Q Okay. Is it proper protocol for them to
9 order a VPO?

10 A Not always.

11 Q Okay. You said -- now in Mr. Reaves'
12 case, his reinstatement amount was about -- the
13 total reinstatement amount was 7,895.33.

14 Of that, the corporate advance fee was
15 actually approximately half of the reinstatement
16 fee, which means, according to what you have said,
17 that a VPO, or actually VPO may not have even been
18 ordered, a inspection of someone driving out to
19 verify someone was there and assuming late charges
20 would have amounted to essentially the same amount
21 that was owed on a mortgage.

22 Is that theoretically possible?

23 MS. GLENN: Objection. Just to be clear,
24 Ms. Bowers is a fact witness. She's not a
25 30(b)(6) witness for GMAC, sir.

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<p>1 Her testimony as to policy would be</p> <p>2 guessing or speculating. Her testimony also</p> <p>3 cannot bind the company.</p> <p>4 To the extent that you know or understand</p> <p>5 the question, you may answer.</p> <p>6 But if we could -- to the extent we could</p> <p>7 keep it within what would be her personal</p> <p>8 knowledge of her job description.</p> <p>9 MR. RACHEL: Okay.</p> <p>10 MS. GLENN: That would be preferable.</p> <p>11 THE WITNESS: I am not able to say what</p> <p>12 all corporate advances could be. It is not</p> <p>13 my -- that's not my job role.</p> <p>14 BY MR. RACHEL:</p> <p>15 Q Okay. Have you ever seen -- you've seen</p> <p>16 many of them, where the corporate advance is</p> <p>17 basically the same amount, being 50 percent or more</p> <p>18 than the actual amount that's owed in arrearage,</p> <p>19 that's actually owed to reinstate?</p> <p>20 A Yes.</p> <p>21 Q Okay. Did Mr. Reaves question and ask</p> <p>22 what those fees were?</p> <p>23 A Yes.</p> <p>24 Q And were you able to find out a breakdown</p> <p>25 of those fees for him?</p>	<p>1 would you say that you normally explain all of the</p> <p>2 items that would be needed for the modification?</p> <p>3 A Yes.</p> <p>4 Q So would you say, in this case, it is</p> <p>5 highly likely that you did explain all the documents</p> <p>6 required to Mr. Reaves for the modification?</p> <p>7 MS. GLENN: Objection. Speculation.</p> <p>8 THE WITNESS: It is likely.</p> <p>9 BY MR. RACHEL:</p> <p>10 Q At the time he attempted to do the</p> <p>11 modification, was his home in foreclosure?</p> <p>12 A Yes, I believe it was.</p> <p>13 Q Did you explain this to Mr. Reaves?</p> <p>14 A Yes.</p> <p>15 Q Did you provide a timeline for Mr. Reaves</p> <p>16 to provide you with the paperwork for the</p> <p>17 modification?</p> <p>18 A I do not remember.</p> <p>19 Q Did Mr. Reaves supply all the paperwork in</p> <p>20 a timely manner to GMAC?</p> <p>21 A To the best of my knowledge, he did.</p> <p>22 Q Now, let me go back. You stated earlier</p> <p>23 that you believed that the foreclosure should not</p> <p>24 have been done because he provided all the documents</p> <p>25 in a timely manner.</p>
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<p>1 A I believe I reviewed the reinstatement</p> <p>2 quote itself and we discussed that, and I think I</p> <p>3 did look at some of the fees.</p> <p>4 Q Were you able to get a breakdown from GMAC</p> <p>5 of the corporate advances?</p> <p>6 A I don't remember.</p> <p>7 Q Okay. Did you explain to Mr. Reaves that</p> <p>8 he could apply for a modification if he did not want</p> <p>9 to reinstate?</p> <p>10 A Yes, I believe so.</p> <p>11 Q And at that time you explained to him</p> <p>12 about a modification, did he attempt to apply for a</p> <p>13 modification?</p> <p>14 A Yes, he did.</p> <p>15 Q Okay. Now, why did you tell him to apply</p> <p>16 for a modification?</p> <p>17 A A modification is one of the tools that a</p> <p>18 customer can use to avoid foreclosure.</p> <p>19 Q Did you explain the required documents to</p> <p>20 Mr. Reaves that would be needed for a modification?</p> <p>21 A I believe I did.</p> <p>22 Q Have you ever spoke to any other person</p> <p>23 concerning modifications, obtaining a modification?</p> <p>24 A Yes, I've spoken to customers.</p> <p>25 Q In your speaking with other customers,</p>	<p>1 So I just want to refresh your memory. So</p> <p>2 let me reask the question. Did Mr. Reaves, to your</p> <p>3 knowledge, provide all of the documents that you</p> <p>4 requested of him for the modification in a timely</p> <p>5 manner?</p> <p>6 MS. GLENN: Objection.</p> <p>7 Mischaracterization of prior testimony.</p> <p>8 Relevance. Improper lay opinion.</p> <p>9 You may answer.</p> <p>10 Can we go off the record really quick.</p> <p>11 (Whereupon, a brief recess was taken.)</p> <p>12 BY MR. RACHEL:</p> <p>13 Q Now, Mr. Reaves' reinstatement, was he</p> <p>14 adamant about trying to reinstate this property?</p> <p>15 A No.</p> <p>16 Q Did he want to apply for a modification?</p> <p>17 A I cannot answer that.</p> <p>18 Q After you suggested the modification to</p> <p>19 him as a -- other than reinstatement, because the</p> <p>20 figure -- the miscellaneous corporate advance</p> <p>21 couldn't be explained to him and he didn't want to</p> <p>22 pay what couldn't be explained, was he apprehensive</p> <p>23 about a modification at that time?</p> <p>24 MS. GLENN: Objection to the extent it</p> <p>25 calls for her to speculate as to Mr. Reaves'</p>

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<p>1 sentiments or feelings. 2 But you can answer to the extent that you 3 can. 4 THE WITNESS: I cannot answer that. 5 BY MR. RACHEL: 6 Q Did Mr. Reaves, at any time, tell you that 7 he really wasn't interested in a modification? 8 A I do not remember. 9 Q Did Mr. Reaves call you approximately 10 eight times concerning the reinstatement amount? 11 A I do not remember. 12 Q If we were able to supply you with taped 13 conversations concerning reinstatement on eight 14 different occasions, would that be able to assist 15 you with your memory? 16 A Yes. 17 Q Now back to the modification, you said he 18 did meet the timeline as far as getting all the 19 documents to GMAC? 20 A Yes, I thought he did. 21 Q Who was the person working on Mr. Reaves' 22 file? 23 A I do not know. 24 Q Was it assigned to one work-out 25 specialist?</p>	<p>1 A No. 2 Q Now, I'm going to remind you that you are 3 under oath. Did you any time tell Mr. Reaves that 4 you had the power to have the foreclosure rescinded 5 or have the problem fixed? 6 A No. 7 Q Are you personally aware of any other 8 foreclosures that has happened at GMAC being the 9 same circumstances as Mr. Reaves? 10 MS. GLENN: Objection. Relevance. 11 But you may answer. 12 THE WITNESS: Not that I can recall off -- 13 right this second. 14 BY MR. RACHEL: 15 Q The files that you had escalated, you said 16 you had at least ten or more than ten. What reason 17 would you escalate a file? If it had been 18 foreclosed on, what reason would you escalate it? 19 A If a file had been foreclosed on, why 20 would I escalate it? On a foreclosed file, a 21 customer concern, a customer complaint, receiving 22 paperwork. 23 Q What do you mean "receiving paperwork"? 24 A Maybe legal documents for a property that 25 had been foreclosed on.</p>
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<p>1 A I do believe the files are assigned to one 2 work-out specialist. 3 Q Have you ever spoken to that work-out 4 specialist? 5 A No. 6 Q So the only people you have spoken to -- 7 let me ask it this way: Who -- give me the names of 8 the people you have spoken to concerning Mr. Reaves' 9 file that work at GMAC. You've given me Catherine 10 Coto and Mark Folweiler. 11 Is there anyone else? 12 A Those are the only two that I actually 13 spoke to. 14 Q Okay. Now, why did you tell Mr. Reaves 15 that the foreclosure should be rescinded or would be 16 rescinded? 17 MS. GLENN: Objection. 18 Mischaracterization of testimony. 19 THE WITNESS: I do not remember telling 20 Mr. Reaves that the foreclosure sale would be 21 rescinded. 22 BY MR. RACHEL: 23 Q Okay. I believe you testified to that 24 earlier. However, do you have the power to have a 25 foreclosure rescinded?</p>	<p>1 Q Legal documents. Elaborate on legal 2 documents -- from whom? 3 A From the customer. 4 Q From the customer or a customer's 5 attorney, I'm assuming? 6 A Yes. 7 Q Okay. So a customer's concern is a reason 8 to escalate the file? 9 A Sometimes. 10 Q Could you give me a situation as when a 11 customer concern would prompt you to escalate a 12 file? 13 A If a customer is adamant, he or she feels 14 that the foreclosure was wrong or unjust, I may 15 escalate it. 16 Q Do you escalate it if you don't have a 17 concern? 18 A Yes. 19 Q So if I review the paperwork from GMAC 20 concerning escalations, would it tell me that you 21 are to escalate a file based on a customer's concern 22 even though you believe it has no basis for the 23 escalation? 24 MS. GLENN: Objection. The document is 25 not here. To the extent we're -- it speaks for</p>

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<p>1 itself.</p> <p>2 You may answer.</p> <p>3 THE WITNESS: It depends.</p> <p>4 BY MR. RACHEL:</p> <p>5 Q Okay. Let's go back. What kind of</p> <p>6 training did you get when you arrived at GMAC?</p> <p>7 A I don't understand your question.</p> <p>8 Q You've been at GMAC five years, correct?</p> <p>9 A Yes.</p> <p>10 Q Where did you work prior to GMAC?</p> <p>11 A Portastevo & Associates.</p> <p>12 Q Which is?</p> <p>13 A A law firm.</p> <p>14 Q A law firm. Now, when you arrived at GMAC</p> <p>15 as a Community Relations Specialist, what kind of</p> <p>16 training has GMAC supplied you with?</p> <p>17 A Some of the training I got was how to use</p> <p>18 the system.</p> <p>19 Q Okay.</p> <p>20 A Documentation.</p> <p>21 Q Okay. Documentation, what do you mean?</p> <p>22 A For the financial work-up packet that</p> <p>23 customers submit.</p> <p>24 Q How to ascertain what is on the documents?</p> <p>25 A Yes.</p>	<p>1 A Yes.</p> <p>2 Q When was that training?</p> <p>3 A The last training on that was several</p> <p>4 months ago.</p> <p>5 Q Okay. And who actually did the training?</p> <p>6 A Rashan Austin.</p> <p>7 Q And now, if I'm not mistaken, Rashan</p> <p>8 Austin is the person that manages the hope inbox?</p> <p>9 A Yes.</p> <p>10 Q Okay. And is he a manager or is he just</p> <p>11 someone who handles the inbox?</p> <p>12 MS. GLENN: Objection. Compound.</p> <p>13 BY MR. RACHEL:</p> <p>14 Q What is his title?</p> <p>15 A Her title is --</p> <p>16 Q Her title. I'm sorry.</p> <p>17 A I don't know what her title is. It's a</p> <p>18 lady. She -- she manages the hope escalation inbox.</p> <p>19 Q Okay. How long was this training?</p> <p>20 A Are you referring to the training for the</p> <p>21 escalation process?</p> <p>22 Q Yes.</p> <p>23 A An hour or so.</p> <p>24 Q Okay. Did you have any paperwork to</p> <p>25 review in this training?</p>
Page 38	Page 40
<p>1 Q Okay.</p> <p>2 A Some other things regarding policy and</p> <p>3 procedure.</p> <p>4 Q Such as?</p> <p>5 A Documentation, general things,</p> <p>6 documentation, documentation, how to handle</p> <p>7 documentation, customer documentation, hours of</p> <p>8 operation, travel and entertainment policy, things</p> <p>9 like that.</p> <p>10 Q Okay. Now you mentioned a policy and</p> <p>11 procedure. What kind of training have you had on</p> <p>12 policy and procedure at GMAC?</p> <p>13 A Standard training.</p> <p>14 Q And when was this training?</p> <p>15 A We have training periodically.</p> <p>16 Q Okay. And when -- how periodically? When</p> <p>17 was the last time you had training?</p> <p>18 A I had some online training last week.</p> <p>19 Q Which was in reference to?</p> <p>20 A Fraud and awareness, documentation</p> <p>21 awareness.</p> <p>22 Q Okay. I want to specifically point your</p> <p>23 attention to the policy and procedure for escalating</p> <p>24 a file.</p> <p>25 Have you had training on that?</p>	<p>1 A Yes.</p> <p>2 Q Okay. Now with Mr. Austin training you,</p> <p>3 did he tell you who to escalate or why you should</p> <p>4 escalate or just how to escalate? What was this</p> <p>5 training on?</p> <p>6 A There are some examples of files that</p> <p>7 should be escalated or that can be escalated.</p> <p>8 Q So is the escalation process, is that a</p> <p>9 process that is more or less kind of subjective?</p> <p>10 A Sometimes.</p> <p>11 Q Okay. So in this process, if some of it</p> <p>12 is subjective, then if customers call in with</p> <p>13 concern, that is a process also you're supposed to</p> <p>14 escalate it?</p> <p>15 What was your training on, if a customer</p> <p>16 calls in with concern adamant that they were</p> <p>17 wrongfully foreclosed on, yet you know they were not</p> <p>18 wrongfully foreclosed on, looking at the paperwork,</p> <p>19 what is the policy concerning that?</p> <p>20 MS. GLENN: Objection. Compound.</p> <p>21 THE WITNESS: I am allowed in situations</p> <p>22 to make a judgment call as to whether or not</p> <p>23 I'm going to escalate something.</p> <p>24 BY MR. RACHEL:</p> <p>25 Q So if you have a customer calling in with</p>

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<p>1 just a concern or a complaint and you know it should 2 not be escalated, do you escalate that? 3 A Sometimes. 4 Q And why would you escalate that? 5 A Sometimes a customer needs to get 6 something in writing, and with the escalation 7 process, typically a letter of explanation is sent 8 out to the customer. 9 Q Was a letter of escalation sent to 10 Mr. Reaves? 11 A I do not know. 12 Q Okay. I'm to ascertain this process, 13 then. You stated that a customer just needs to have 14 something in writing. Who sends the writing out to 15 the customer? 16 A That would come from our main office. 17 Q That comes from the main office. Is that 18 a part of the escalation -- the main office is not a 19 part of the escalation process, so why would they 20 send out a letter? 21 A The main office can be a part of the 22 escalation process. 23 Q Okay. I'm a little confused, then, 24 because I'm beginning to wonder about this training 25 that you had, because you're kind of -- seems like</p>	<p>1 MS. GLENN: She would like a break. 2 He's getting ready to ask a question. 3 Once you finish that question may we take 4 a break? 5 MR. RACHEL: Sure. 6 BY MR. RACHEL: 7 Q Earlier you stated and testified, when I 8 asked who manages the hope inbox, your exact words 9 were "at this time Rashan Alan -- Austin". I'm 10 sorry. 11 Which would mean that at some previous 12 time someone else would have been managing that. 13 But you stated that you've been there five 14 years and Rashan Austin has been there longer than 15 you. So I'm concerned and would like to know why 16 you would state at that time -- "at this time"? 17 MS. GLENN: Objection. Counsel is 18 testifying. If counselor would like to testify 19 we can get counselor sworn in. 20 Other than that, I would ask if you keep 21 it in question-answer format and no more 22 compound questions. 23 We are overloading Ms Bowers with 24 information. We just want to give her one 25 question at a time.</p>
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<p>1 you're kind of making it up as we go or adding on to 2 it as we go. 3 Because originally you told me the 4 escalation process was you escalating the file to 5 the inbox of which is hopeescalating somewhere. 6 We don't know whether it's at GMAC or 7 Freddie Mac or Fannie Mae. We don't have any idea 8 where it's going. 9 But we do know a Rashan Austin supposedly 10 is getting this. Now does Rashan Austin, to your 11 knowledge, work at GMAC? Is Rashan Austin an 12 employee of GMAC? 13 MS. GLENN: Objection. Counsel is 14 testifying. If we could keep it in 15 question-and-answer format. 16 MR. RACHEL: Okay. I will do that for 17 you, Counselor. 18 BY MR. RACHEL: 19 Q To your knowledge, is Rashan Austin an 20 employee of GMAC? 21 A Yes, she is. 22 Q How long has she been an employee? 23 A Longer than I have. 24 Q Okay. Then I'm confused. Earlier you 25 stated --</p>	<p>1 MR. RACHEL: Okay. I will. 2 BY MR. RACHEL: 3 Q Why would you make the comment "at this 4 time" when you were speaking about Rashan Austin if 5 she had been there longer than you? 6 A Rashan Austin used to do another job. 7 Q Okay. Rashan Austin used to do another 8 job, but in your five years she has been the manager 9 of hope inbox? 10 A No. 11 MR. RACHEL: Okay. Now we're going to 12 take a break in a minute, but Ms. Glenn, you 13 just have to bear with me because I've gotten 14 two different conflicting things here. 15 MS. GLENN: You can finish your line of 16 questioning. 17 BY MR. RACHEL: 18 Q You said Rashan Austin had been doing that 19 job longer than you had been at GMAC. Now you're 20 stating that Rashan Austin has not being doing that 21 longer than you've been at GMAC. 22 Which one is it? 23 A I stated Rashan Austin has been at GMAC 24 longer than I have and that she is now managing the 25 hope escalation box, that she previously did another</p>

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1 job.
2 Q Since the time you were at GMAC, who has
3 been the manager of the hope inbox? Give me all the
4 people.

5 A I cannot say for sure, but Rashan Austin
6 was one of them and I do believe that the district
7 managers also managed it at one time or another.

8 Q Approximately how long has Rashan Austin
9 been doing this?

10 A Maybe -- around six or seven months maybe.
11 I do not think more than a year.

12 Q Okay. So about six months. So who was
13 Rashan Austin's job prior to that?

14 A Community Relations Specialist.

15 Q Okay. So make sure I'm understanding.
16 GMAC is promoting someone from Community Relations
17 Specialist to manage the hope inbox. Do you know
18 how to manage the hope inbox?

19 A I don't understand your question.

20 Q Would you, right now, know how to manage
21 the hope inbox?

22 A I cannot answer that.

23 Q Okay. But you did state that Rashan
24 Austin was the person who gave you the training on
25 escalation processing?

1 MR. RACHEL: Not really.

2 MS. GLENN: Can she take a break or is
3 this an endurance test?

4 MR. RACHEL: It's not an endurance test.
5 I just want to make sure because the story is
6 changing a little bit.

7 I just want to make sure that I get all
8 the story in, if that makes sense.

9 BY MR. RACHEL:

10 Q So let me just see if I'm understanding
11 you. Rashan Austin moved from community relations
12 approximately six months to a year ago from
13 community relations to manager of hope inbox.

14 In the previous six months she has trained
15 you one time and prior to that you have had another
16 training on the escalation process.

17 Am I correct?

18 A I'm not able to follow your questions.
19 I'm sorry.

20 Q I'll do them one at a time. Rashan
21 Austin, six months to a year ago, moved positions to
22 manage the hope inbox; is that correct?

23 A I believe that's correct.

24 Q Within the last six months, has Rashan
25 Austin provided training to you concerning

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1 A Yes.

2 Q Has anyone else given you training on
3 escalation processing?

4 A We do receive updates from time to time
5 about the hope escalation process changing.

6 Q I don't want to know about updates. I'm
7 saying training.

8 A Rashan has been the one to give the
9 training.

10 Q And Rashan has trained you how many times?

11 A I don't know.

12 Q You stated earlier once about six months
13 ago?

14 A I stated that was the last training that I
15 received.

16 Q Last training you received. Did she train
17 you prior to that six months?

18 A We did have previous training on the
19 escalations and it was not her who trained at the
20 time before. I do not remember who it was.

21 Q So you've had more than one training on
22 the hope escalation process?

23 A Yes.

24 MS. GLENN: Dave, are you all done with
25 this line of questioning?

1 escalation process?

2 A We have had a training.

3 Q Approximately how many people were at that
4 training?

5 A Twenty or more people.

6 Q Approximately how many community relations
7 specialists are there at GMAC, to your knowledge?
8 Approximation.

9 A Eighteen.

10 Q Are they all based in your office?

11 A No.

12 Q Where is Rashan Austin based?

13 A In Memphis, Tennessee.

14 Q So when you had this training, did you go
15 to Memphis, Tennessee?

16 A No.

17 Q Well, how did Rashan Austin train you?

18 A It was conference call training.

19 Q Conference call training. How does that
20 work?

21 MS. GLENN: David, she's going to take a
22 break.

23 Go take a break.

24 MR. RACHEL: Okay.

25 MS. GLENN: We can go off the record.

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1 (Whereupon, a brief recess was taken.)

2 BY MR. RACHEL:

3 Q I was just -- now I think we left off with
4 Rashan Austin. You said she used to be a Community
5 Relations Specialist.

6 And Rashan Austin was a community
7 relations specialist prior to you becoming -- coming
8 to GMAC, becoming an employee; are you aware?

9 A I believe she was.

10 Q Okay. Now one side question. You stated
11 that Mr. Reaves did want to do a reinstatement and
12 then couldn't get that miscellaneous corporate
13 fee -- I think that's what it's called -- couldn't
14 get that information on that.

15 Did you ever get that defined for him,
16 what those fees were really supposed to be or what
17 they were supposed to be, a breakdown?

18 A No, I did not.

19 Q Now, in obtaining that breakdown, whom all
20 did you attempt to give you the breakdown? Did you
21 speak to anyone else at GMAC to assist with that?

22 A I don't remember.

23 Q Would it have been, I guess, standard
24 procedure if you have a customer that is adamant
25 about reinstatement and getting an explanation of

1 A Mr. Reaves had the breakdown of what the
2 charges were on the reinstatement letter.

3 Q Okay, now I'm really confused.

4 MS. GLENN: Okay. Think about that
5 question for just a second.

6 Go off the record.

7 I'm just going to call in -- I just got an

8 E-mail that he's available now.

9 (Whereupon, a discussion ensued off the record.)

10 BY MR. RACHEL:

11 Q Now, on Mr. Reaves' letter it just says
12 miscellaneous corp advances. It has absolutely no
13 breakdown.

14 And you stated earlier that you never was
15 able to get him the breakdown. So why was that not
16 escalated?

17 A I did discuss with Mr. Reaves what the
18 miscellaneous charges were related to. If he was
19 looking for another answer about those charges, I
20 was not able give it to him.

21 Q Then why was that not escalated so he
22 could get a written breakdown of what those fees
23 were?

24 A I just did not escalate that.

25 Q Is that proper procedure not to escalate

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1 the fee so they can reinstate, would it be proper
2 procedure to escalate that?

3 A No, not necessarily.

4 Q So your escalation process, we know it is
5 for people who have been foreclosed on. Apparently
6 we are understanding now that it is not for people
7 who want to reinstate.

8 So other than people who have been
9 foreclosed on, what is the escalation process for?
10 What else can be escalated, other than someone who
11 has been foreclosed on?

12 A The escalation process is for customer
13 concerns.

14 Q No, no. I'm saying what -- if it's for
15 customer concerns, then I'm confused. Mr. Reaves
16 was concerned about getting reinstatement but it
17 wasn't escalated.

18 So why was that not escalated?

19 A Because I provided Mr. Reaves with an
20 explanation as to what the charges appeared to be.

21 Q Right. But Mr. Reaves wanted a breakdown,
22 and you just stated earlier that you never could
23 give him the breakdown.

24 So why was it not escalated so he could
25 obtain the breakdown?

1 that customer concern?

2 MS. GLENN: Again, she's not a 30(b)(6)
3 witness, so to the extent that --

4 MR. RACHEL: But she is aware of -- she
5 testified earlier that she has had training on
6 the policies and procedures, and as a Community
7 Relations Specialist she should know what
8 policies and procedures, and she testified
9 earlier that her job, she escalates customer
10 concerns and complaints.

11 Mr. Reaves had a concern, definitely, and
12 he was complaining about not wanting to pay
13 what he didn't know -- if he didn't know what
14 that was.

15 So if she is following the policy and
16 procedures manual and she is in that position,
17 she should well be able to answer that
18 question.

19 MS. GLENN: Very convincing closing
20 argument. I will adjust my objection to those
21 documents speak for themselves.

22 But to the extent you are aware, you may
23 answer.

24 THE WITNESS: I did not escalate that.

25 That was not Mr. Reaves' main concern at the

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1 time that he brought his issue to me.

2 BY MR. RACHEL:

3 Q What was his concern?

4 A Saving his home, applying for the
5 modification, which is what he did.

6 Q But you stated earlier you told him about
7 the modification -- because he didn't know anything
8 about it, told him that he could apply for a
9 modification.

10 So if his -- if he wanted to save his
11 home, I'm confused as to why he would call you seven
12 to eight times wanting to get a breakdown of this
13 fee so he could reinstate but it wasn't escalated.

14 MS. GLENN: Where is the question?

15 BY MR. RACHEL:

16 Q The question is: Why was it not escalated
17 if he called you seven to eight times about what
18 this fee was so he can reinstate?

19 But you stated that he wanted a
20 modification, but you testified earlier that you
21 told me he didn't know what that was.

22 So I still want to know why was this --
23 was this just a decision you made not to escalate?

24 A Mr. Reaves called me and we discussed a
25 modification. Discussing what corporate advances

1 A I do not know.

2 Q If he is calling you requesting it, do you
3 believe that they had provided it to him?

4 MS. GLENN: Objection as to speculation.

5 Improper lay testimony.

6 THE WITNESS: I cannot answer that.

7 BY MR. RACHEL:

8 Q Okay. You testified earlier that you were
9 unable to provide it to him. So if you were unable
10 to provide it to him and he's called you after he
11 called them, what is GMAC's policy on explaining
12 what a miscellaneous corporate advance is?

13 A I cannot answer that.

14 Q Okay. So you are a Community Relations
15 Specialist and your job is to do what? What is your
16 actual job description?

17 A To meet with customers, to help them
18 obtain a modification, to explain to them the
19 modification procedures, documentation, to submit
20 their file for a review by the loss mitigation
21 department, to work with non profits for
22 neighborhood stabilization and neighborhood
23 revitalization.

24 Q Okay. So are you aware of anybody at GMAC
25 that is supposed or is able to give a breakdown to a

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1 are, I can look in the system to see what those
2 charges were. We would have discussed that.

3 Other than that, there is -- there's
4 not anything else I would have done. I was there to
5 assist him with trying to get the modification.

6 But I certainly would have addressed
7 the issue about the corporate advances. I did not
8 escalate that.

9 Q Okay. So you're saying when -- I'm trying
10 to understand the policies and procedures at GMAC
11 then.

12 If a customer calls in and he wants to
13 reinstate his loan, that's all he wants to do, and
14 he wants to know what the corporate advances are,
15 which are not itemized out on his statement that
16 he's getting for the reinstatement amount, what is
17 the procedure at GMAC to provide the customer with
18 that information so they can reinstate?

19 A The customer could have contacted our
20 customer care department to ask for that.

21 Q Did you ever tell him to contact the
22 customer care department to ascertain that
23 information?

24 A He had already done so.

25 Q Okay. Did they provide it to him?

1 customer, since that is not your position, a
2 customer of miscellaneous corporate advances?

3 A I cannot answer that.

4 Q Okay. In your training with GMAC, you're
5 stating that you have absolutely nothing to do with
6 reinstatement.

7 The only thing you have to do with is
8 modifications?

9 A I'm stating that my job with GMAC is to
10 meet with customers and discuss the modification
11 options, to explain to them about the documentation
12 that is needed and to assist them, to work with non
13 profits for neighborhood stabilization and
14 neighborhood revitalization.

15 Q Do you assist customers with short sales?

16 A I will take a short sale financial packet
17 and send it over to the short sale department.

18 Q Do you assist customers with deed in lieu
19 of foreclosure?

20 A I will take a deed in lieu request and
21 send it over to the deed in lieu department.

22 Q So you assist customers in making sure the
23 paperwork is done and then you send it to the
24 underwriter?

25 A Yes.

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Q Okay. So, in the instance of reinstatement, if you get that, you don't have a policy for that at all in your job description?

A If a customer calls me inquiring about a reinstatement, I refer them to the foreclosure attorney's office to get a reinstatement letter.

The foreclosure attorney prepares the reinstatement letter and sends it to the customer. If the customer has a question, they can call me and I can try to provide an answer.

Q Okay. Now in this instance you stated that you only sent Mr. Reaves back to the customer service department.

Why did you not send Mr. Reaves to whomever the foreclosing attorney was?

A I did not send Mr. Reaves to the customer care department.

Q You testified earlier that you told him that he should get that figure from the customer care department. That was your testimony.

A I said that if a customer had a concern about miscellaneous fees, I would refer them to the customer care department for additional information.

Q Where did you refer Mr. Reaves to when he had the information?

whichever one it was.

So there is no policy at GMAC, in your capacity, to assist a customer with getting a breakdown of the fees; am I correct?

A I cannot answer that.

Q I'm confused as to why you can't answer that. If there is a policy, please enlighten me on what it is.

A I have explained what the policy is. Mr. Reaves asked about the miscellaneous fees. We did discuss that.

I did look in the mortgage service system and explain to him, based upon what I could see, what the fees were.

I can only assume that he was not satisfied with that. We went into the modification portion of it. I did not escalate the issue about the corporate advances.

Q Have you ever escalated an issue about corporate advances?

A Not that I can remember at this time.

Q Okay. You stated originally that you have read the policy and procedures manual concerning your job description?

A Yes.

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A I do not remember if I told Mr. Reaves to contact the customer care department.

Q What did you tell him to do?

A I discussed the fees with Mr. Reaves. I did give him some detail about what I saw in the mortgage service system about what some of the fees were.

Q Okay.

A I think he was not in agreement with them.

Q And that was basically the end of what you could do?

A For the miscellaneous fees.

Q Why did you not refer him to the attorney's office, if that is your policy, as you've stated earlier?

A I would refer a customer to the attorney's office to get a reinstatement letter. He had the reinstatement letter, so I would not refer him back to the attorney's office.

Q So if a customer calls and they're routed to you, there is no policy at GMAC to tell you if the foreclosing attorney's letter doesn't have any kind of breakdown.

You said that you did not refer him back over to customer relations or customer service,

Q From GMAC, you have read that through?

A Yes, I have read the manual.

Q Okay. In that manual does it state any procedure concerning reinstatement figures?

A I do not believe that it does.

Q So there is no policy for your position stating what to do if a customer wants to reinstate but does not know or wants to know a breakdown of what miscellaneous corporate advances are; am I correct?

A I don't understand your question.

Q My question is, according to your policies and procedures handbook, you just stated -- you just testified that according to your policies and procedures handbook it says nothing about reinstatement.

If it says nothing about reinstatement and that is -- in your job description, then you have no policy, as far as Community Relations Specialist, concerning what to do if a customer calls in with any reinstatement questions; am I correct?

A No.

Q I'm incorrect?

A According to the hope escalations manual, it does not have any information in it related to a

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<p>1 reinstatement.</p> <p>2 As far as the policy and procedure</p> <p>3 for GMAC regarding a customer in corporate advances,</p> <p>4 I cannot speak to that right now.</p> <p>5 Q I'm not asking you to speak for GMAC. I</p> <p>6 am saying in the -- both the manual for hope</p> <p>7 escalation and in your manual that was given to you</p> <p>8 when you received your job for a Community Relations</p> <p>9 Specialist, neither manual mentions the how to or</p> <p>10 anything about a reinstatement?</p> <p>11 MS. GLENN: Can I go off the record.</p> <p>12 MR. RACHEL: Sure.</p> <p>13 (Whereupon, a discussion ensued off the record.)</p> <p>14 BY MR. RACHEL:</p> <p>15 Q Okay, with the foreclosing on a property</p> <p>16 when you have received the documents, has that ever</p> <p>17 happened before at GMAC, to your knowledge?</p> <p>18 A Can you be more clear about your question?</p> <p>19 Q Sure. In the instance of Mr. Reaves, all</p> <p>20 the documents were received in a timely manner. You</p> <p>21 have testified to that a couple times, okay.</p> <p>22 Has it ever been any other case, to your</p> <p>23 knowledge, where you have received all the documents</p> <p>24 but for some reason it got foreclosed on</p> <p>25 inadvertently or otherwise?</p>	<p>1 the documents were there but they're foreclosed?</p> <p>2 A No.</p> <p>3 Q In your estimation, approximately -- your</p> <p>4 five years, how many has it been?</p> <p>5 A I could not answer that.</p> <p>6 Q More than ten?</p> <p>7 A I could not answer that.</p> <p>8 Q How many have you escalated?</p> <p>9 A I could not answer that.</p> <p>10 MS. GLENN: What are we speaking about</p> <p>11 here when you say all the documents are there?</p> <p>12 Because you can have someone submit</p> <p>13 documents and they're not approved for a</p> <p>14 modification.</p> <p>15 So I guess be more specific about exactly</p> <p>16 what you're asking Ms. Bowers.</p> <p>17 MR. RACHEL: In the interest of my client,</p> <p>18 the documents were there. She testified that</p> <p>19 it was wrongfully foreclosed, think she said it</p> <p>20 shouldn't have been foreclosed on.</p> <p>21 MS. GLENN: David, she didn't say that.</p> <p>22 MR. RACHEL: I specifically asked her that</p> <p>23 question. I believe that she said yes. I</p> <p>24 believe that she said that.</p> <p>25 And she testified that he should not have</p>
Page 62	Page 64
<p>1 A I want to be sure about your question.</p> <p>2 Are you asking me in the case where a customer has</p> <p>3 sent all of the documentation has a property still</p> <p>4 gone to foreclosure?</p> <p>5 Q Yes. Such as the case of Mr. Reaves. All</p> <p>6 the stuff is there and should have been reviewed.</p> <p>7 It's there in a timely manner.</p> <p>8 But for some reason the ball dropped or</p> <p>9 whatever happened and it was foreclosed on?</p> <p>10 A Yes.</p> <p>11 Q Approximately how many, to your knowledge?</p> <p>12 A I could not answer that.</p> <p>13 Q Do you believe that's a pattern at GMAC?</p> <p>14 MS. GLENN: Objection. Improper lay</p> <p>15 testimony. Relevance. Speculation.</p> <p>16 BY MR. RACHEL:</p> <p>17 Q In your position as Community Relations</p> <p>18 Specialist, have you seen that to be a pattern at</p> <p>19 GMAC?</p> <p>20 MS. GLENN: Objection. Vague. What do</p> <p>21 you mean by pattern?</p> <p>22 BY MR. RACHEL:</p> <p>23 Q A pattern, as in you'll get some this</p> <p>24 month, some next month, some the month after that,</p> <p>25 some the month after that with the same thing, all</p>	<p>1 been foreclosed on. We'll go with that.</p> <p>2 Because the documents were there and they</p> <p>3 should have been reviewed and he should not</p> <p>4 have been foreclosed on.</p> <p>5 MS. GLENN: Objection. That's your</p> <p>6 characterization of her testimony. Be more</p> <p>7 specific about your line of questioning now.</p> <p>8 MR. RACHEL: My question is: How many</p> <p>9 have been same situation that she has seen or</p> <p>10 escalated in the past?</p> <p>11 MS. GLENN: Let's answer that.</p> <p>12 THE WITNESS: I'm not able to answer that.</p> <p>13 MS. GLENN: She's not able to answer that.</p> <p>14 BY MR. RACHEL:</p> <p>15 Q Have you ever seen any that was in the</p> <p>16 system -- I believe you testified that he was</p> <p>17 actually in the system, said postponed but for some</p> <p>18 reason it got foreclosed.</p> <p>19 Have you ever seen any other ones in the</p> <p>20 system that said postponed that were foreclosed on?</p> <p>21 A Yes.</p> <p>22 Q Approximately how many?</p> <p>23 A I could not answer that.</p> <p>24 Q More than ten?</p> <p>25 A I could not answer that.</p>

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<p>1 Q Approximately how many files have you 2 escalated in the last year due to a foreclosure? 3 A When you say "in the last year", do you 4 mean -- 5 Q The year of 2011? 6 A None. Oh, 2011. I could not give an 7 approximate number. I can say not five. 8 Q More than five? Less than five? 9 A Maybe. 10 MR. RACHEL: I'll have to subpoena the 11 ones that she did because we don't have any. 12 BY MR. RACHEL: 13 Q Okay. After Mr. Reaves' foreclosure, did 14 you have any conversations with him? 15 A Yes. 16 Q Approximately how many times? 17 A I don't know the exact number, but I 18 believe it was more than once. 19 Q More than once, okay. Did you ever tell 20 Mr. Reaves that you were frustrated with some of the 21 things GMAC was doing? 22 A I do not remember. 23 Q Have you ever told anyone you were 24 frustrated with the things GMAC was doing? 25 MS. GLENN: Objection as to relevance.</p>	<p>1 that, in your opinion or you believe or you 2 escalated or anything to that effect, should not 3 have been foreclosed on and, in that, it made you a 4 little frustrated? 5 MS. GLENN: Same objection. 6 THE WITNESS: Was that the question? 7 MR. RACHEL: Yes. 8 MS. GLENN: It's the new question. The 9 same objection. 10 THE WITNESS: I still don't understand. 11 BY MR. RACHEL: 12 Q When GMAC foreclosed on a property -- 13 forecloses on a property, in your opinion you either 14 escalate it because you believe -- like in Mr. 15 Reaves' case, you believe that it should not have 16 been foreclosed on or you escalated it because of 17 customer concern, customer complaint or some legal 18 papers. 19 Have you ever been frustrated because of 20 that? 21 MS. GLENN: Same objection. 22 THE WITNESS: I'm just frustrated with the 23 number of foreclosures, period, that we have. 24 BY MR. RACHEL: 25 Q Were you frustrated in the events with Mr.</p>
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<p>1 THE WITNESS: I may have. 2 BY MR. RACHEL: 3 Q What would that frustration stem from? 4 MS. GLENN: Objection as to relevance. 5 THE WITNESS: The amount of work. The 6 nature of the job. 7 BY MR. RACHEL: 8 Q Have you ever been frustrated when GMAC 9 foreclosed and they should not have? 10 MS. GLENN: Objection as to relevance. 11 Calls for a legal conclusion to the extent that 12 you're asking her to guess as to what -- it's a 13 legal conclusion to the extent you're asking 14 her to guess as to what constitutes a wrongful 15 foreclosure, when GMAC should or should not 16 have foreclosed. 17 MR. RACHEL: In her opinion. She said in 18 this case it should not have foreclosed. 19 MS. GLENN: To that extent we would object 20 that it's an improper lay opinion. 21 But you can answer to the extent you 22 understand the question. 23 THE WITNESS: Repeat the question for me. 24 BY MR. RACHEL: 25 Q Has GMAC ever foreclosed on a property</p>	<p>1 Reaves' case? 2 MS. GLENN: Objection as to relevance. 3 THE WITNESS: Mr. Reaves' case was -- I 4 would consider it to have been a frustrating 5 case. 6 BY MR. RACHEL: 7 Q Why do you believe it was frustrating? 8 MS. GLENN: Objection as to relevance. 9 Improper lay opinion. 10 THE WITNESS: It was foreclosed on. 11 BY MR. RACHEL: 12 Q It was frustrating because it was 13 foreclosed on? 14 MS. GLENN: Asked and answered. 15 BY MR. RACHEL: 16 Q Do you mean it should not have been 17 foreclosed on? Are you saying that it should not 18 have been foreclosed on? 19 A No, I am not saying that. I am saying 20 that his case was frustrating. 21 Q Why was it frustrating to you? 22 MS. GLENN: Asked and answered. 23 MR. RACHEL: Actually, Counsel, she did 24 say because it was foreclosed on, but I don't 25 understand what she means.</p>

<p style="text-align: right;">Page 69</p> <p>1 BY MR. RACHEL:</p> <p>2 Q Could you elaborate on that?</p> <p>3 A It's frustrating any time that I am not</p> <p>4 able to get a customer a solution. It's frustrating</p> <p>5 to me.</p> <p>6 Q Was it frustrating because you told him it</p> <p>7 was not going to be foreclosed on and then, of</p> <p>8 course, they did it anyway?</p> <p>9 MS. GLENN: Objection.</p> <p>10 David, it's argumentative.</p> <p>11 BY MR. RACHEL:</p> <p>12 Q Was it frustrating to you or did it</p> <p>13 frustrate you because you had explained that -- and</p> <p>14 had him under the assumption that it was not going</p> <p>15 to be foreclosed on and you believed it was not</p> <p>16 going to be foreclosed on.</p> <p>17 Am I correct? Did you believe it was not</p> <p>18 going to be foreclosed on?</p> <p>19 A I believed it was not going to be</p> <p>20 foreclosed on.</p> <p>21 Q Was that frustrating?</p> <p>22 A Yes.</p> <p>23 Q See. It's simple.</p> <p>24 MS. GLENN: Moving right along.</p> <p>25 BY MR. RACHEL:</p>	<p style="text-align: right;">Page 71</p> <p>1 A Kitty Harris was a manager in the loss</p> <p>2 mitigation department, I believe in Dallas.</p> <p>3 Q Now, you said "was". What does that mean?</p> <p>4 Is she no longer there?</p> <p>5 A I do not believe that she is with GMAC any</p> <p>6 longer.</p> <p>7 Q And why would you come to that conclusion?</p> <p>8 A I was told that. I was told she was no</p> <p>9 longer with GMAC.</p> <p>10 Q And who told you that?</p> <p>11 A I don't remember.</p> <p>12 Q When did they tell you that?</p> <p>13 A When I got the notice for Mr. Reaves'</p> <p>14 request for a deposition.</p> <p>15 Q Who supplied you with the notice?</p> <p>16 A Counsel.</p> <p>17 Q Would it have been counsel that told you</p> <p>18 she wasn't there?</p> <p>19 MS. GLENN: Objection.</p> <p>20 David, why are you asking what I would</p> <p>21 have told her?</p> <p>22 MR. RACHEL: I'm trying to ascertain as to</p> <p>23 how she would know Kitty Harris was not there.</p> <p>24 I withdraw that question.</p> <p>25 BY MR. RACHEL:</p>
<p style="text-align: right;">Page 70</p> <p>1 Q Let's see. Did you speak to Mr. Reaves</p> <p>2 while you was at the airport?</p> <p>3 A It's possible.</p> <p>4 Q In that conversation, did you advise him</p> <p>5 to seek counsel?</p> <p>6 A I don't remember.</p> <p>7 Q In that conversation, did you advise him</p> <p>8 that that foreclosure situation would be handled?</p> <p>9 You were going to escalate it and make sure it was</p> <p>10 handled or have it handled?</p> <p>11 A I don't remember.</p> <p>12 Q Did you escalate it after that</p> <p>13 conversation?</p> <p>14 A I don't remember.</p> <p>15 Q Now, you testified earlier that the people</p> <p>16 that you spoke to concerning Mr. Reaves' property is</p> <p>17 Mark Folweiler, Catherine Coto and I believe, maybe,</p> <p>18 Rashan Austin for a moment; is that correct?</p> <p>19 A Yes.</p> <p>20 Q Those were the only people you spoke to on</p> <p>21 this file, correct?</p> <p>22 A To my knowledge, yes.</p> <p>23 Q Are you familiar with a Kitty Harris?</p> <p>24 A Yes.</p> <p>25 Q Who is Kitty Harris?</p>	<p style="text-align: right;">Page 72</p> <p>1 Q So you found out during the time that you</p> <p>2 got your deposition? You did not know, prior to</p> <p>3 getting the notice of deposition, that Kitty Harris</p> <p>4 was no longer with GMAC?</p> <p>5 A No.</p> <p>6 MS. GLENN: Okay. Let's move on from</p> <p>7 there.</p> <p>8 BY MR. RACHEL:</p> <p>9 Q Did you speak to Kitty Harris about Mr.</p> <p>10 Reaves' foreclosure?</p> <p>11 A I don't remember.</p> <p>12 Q Did you have a three-way conversation with</p> <p>13 Mr. Reaves and Ms. Harris concerning his foreclosure</p> <p>14 and rescinding?</p> <p>15 A Not that I remember.</p> <p>16 Q Okay. How do you know Kitty -- did Kitty</p> <p>17 Harris do anything on Mr. Reaves' case?</p> <p>18 A I assume she did, because there were some</p> <p>19 notes with her name on it.</p> <p>20 Q What did the notes say?</p> <p>21 A I'm not able to say what they said. I</p> <p>22 don't know.</p> <p>23 Q Did they say that it was denied or -- was</p> <p>24 it a lot of notes? One note? Two notes?</p> <p>25 A I don't know how many.</p>

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1 Q And when were the notes? Were the notes
2 prior to the foreclosure or after the foreclosure?

3 A I don't know.

4 Q She is in the loss mitigation department.
5 Was she the person assigned to Mr. Reaves'
6 modification?

7 A I don't know.

8 Q You spoke to Mr. Reaves several times
9 concerning his modification, correct?

10 A Yes.

11 Q And during those conversations, you don't
12 know who the underwriter was working on the loan?

13 A No. That's not something I would know.

14 Q So how would you be able to tell him the
15 status?

16 A I would read the notes in the system.

17 Q Wouldn't the notes tell you who it was?
18 You said Kitty Harris had her name on there.

19 A I said there was a note with her name on
20 there. But no, all notes do not have a name written
21 on them.

22 Q Okay. You are the contact person for the
23 person getting the modification at GMAC, correct?

24 A Yes.

25 Q If there is an issue where, say, the

(Whereupon, a brief recess was taken.)

BY MR. RACHEL:

Q Now, Ms. Bowers, just a couple of
questions about the reinstatement. Just to make
sure I'm clear on that.

When he spoke to you about the
reinstatement, he was just adamant about knowing
what those fees were, not that he was not going to
pay them.

He wanted to know what they were; am I
correct?

A I got that feeling.

Q Okay. So it wasn't that he -- you didn't
get the feeling he was not going to pay it. He's
just the guy that wants to know what he's paying?

A I did not have a feeling either way. He
did appear more concerned with knowing exactly what
they were.

Q Now, did, at any time, he tell you he had
the money in his bank but he just wanted to know
what they were?

A I do not remember that.

Q All right. Now the reinstatement fees, if
you do a modification at GMAC, is it true that the
reinstatement fees would then be put back into the

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customer calls you and says I was called and told
that I needed to forward in another 45016, then who
does he forward that to?

A A customer could forward that to me.

Q Who would you forward it to?

A I would forward it over to the loss
mitigation department.

Q Okay. So you -- in your description, you
are not able to at GMAC to ascertain or talk to the
underwriter working on the modification?

A I can talk to anyone at GMAC. Normally I
do not.

Q So in this case, you did not talk to the
underwriter at all concerning Mr. Reaves'
modification?

A I don't know who was underwriting Mr.
Reaves' modification.

Q Did you talk to anyone in the loss
mitigation department, then, concerning Mr. Reaves'
modification?

A I don't remember.

MR. RACHEL: Can we take a five-minute
break, talk to my client, please?

MS. GLENN: If I can come.

MR. RACHEL: You're welcome to come.

loan and you pay them over your monthly payment?

MS. GLENN: Objection to the extent you're
asking her to speak to general policies and
procedures at GMAC. She's not a 30(b)(6)
witness.

MR. RACHEL: But she would know the
policies as she handles modifications or she
should.

MS. GLENN: I don't think she's testified
that he handles modifications or that she
reviews borrowers for modifications.

But, again, to the extent that she knows
she can answer. But I'll put that objection on
the record that she very well may not know.

THE WITNESS: Can you ask that question
again?

BY MR. RACHEL:

Q Yes. If I'm a person with GMAC and I'm in
foreclosure and I got a reinstatement of \$500 and I
do a modification. Then they take that
reinstatement fee, the 500, and put it back in the
loan and I can just pay it over time?

A Yes, that's essentially how it could work.

Q Did you explain that process to
Mr. Reaves?

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1 A I may have.

2 Q Did you believe if he was adamant, seems
3 like he would have paid it. But if, for some
4 reason, he was not going to pay it, would that have
5 been a better route, for him to do a modification?

6 MS. GLENN: Objection as to improper lay
7 testimony.

8 But to the extent that you can answer.

9 THE WITNESS: I could not say what would
10 have been better for Mr. Reaves, the
11 modification or the reinstatement.

12 BY MR. RACHEL:

13 Q Okay. What department at GMAC helps
14 clients or helps to advise clients on their options
15 as to short sale, deed in lieu, modification, or
16 what have you, half of whatever it may be?

17 A The loss mitigation department could
18 advise them. Customer care department could advise
19 them. I could give them some advice. A number of
20 departments could give them some advice.

21 Q Okay. So then you would be able to advise
22 as to the things he would be able to do to save his
23 home?

24 A I would be able to advise him of some
25 possible options.

1 it was about the reinstatement or he wanted
2 information about a modification. I don't remember.

3 Q Now, you testified earlier that you
4 mentioned modification to him. So if you mentioned
5 modification to him, I mean, is it possible -- if
6 you mentioned it to him and he didn't know about it,
7 how is it possible that he would call you about a
8 modification?

9 A Me mentioning a modification is a standard
10 procedure. I would mention a modification to any
11 customer that contacted me.

12 Q Correct. That's a part of your job
13 description?

14 A Yes.

15 Q So if he called you about a reinstatement
16 and you mentioned modification, then the only option
17 you technically gave him was modification, because
18 he was already aware of the reinstatement; am I
19 correct?

20 A No.

21 Q What other options did you give him?

22 A I do not remember what other options we
23 discussed, but there would have been more than just
24 one option that could have possibly been available.

25 Q Did you discuss short sale?

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1 Q And what options would you be able to
2 discuss with him?

3 A The modification, the reinstatement, a
4 deed in lieu, a short sale, and any other program
5 that I would have been aware of.

6 Q Now, what programs did you discuss with
7 Mr. Reaves, other than the modification?

8 A I don't remember.

9 Q Okay. Now you testified earlier that the
10 reinstatement technically is not a part of your job
11 description or in your manual -- either in your
12 manual for your job description or in the manual for
13 the escalation process.

14 So technically the reinstatement would not
15 be one. So really the only option you spoke to him
16 is modification.

17 MS. GLENN: Lacks a question.

18 BY MR. RACHEL:

19 Q Is the only option you spoke to him about
20 modification?

21 A No, I think we discussed a reinstatement.

22 Q Okay. So the options that you spoke to
23 him about was -- okay. He contacted you concerning
24 the reinstatement, correct?

25 A I don't remember what he contacted me, if

1 A I don't remember.

2 Q If you discussed a short sale with a
3 client, what is the procedure? What do you tell
4 them?

5 A Typically what I would say is I would
6 explain the paperwork that would need to be
7 completed.

8 Q And what's that paperwork?

9 A It's called a short sale financial
10 package. I would send it to them and explain the
11 documents that they need.

12 Q Explain about three documents in there?

13 A Proof of income, a listing agreement and
14 the actual financial packet, the actual short sale
15 financial packet.

16 Q And what else would they need?

17 A I cannot say offhand. I would have to
18 look at it.

19 Q What is HAFA?

20 A HAFA is the home affordable refinance
21 program, home affordable short sale program. It's
22 the home affordable short sale program, HAFA.

23 Q If you were to explain that to a customer,
24 how do you explain? If I call you and say what is
25 HAFA, what are the steps that you need to get HAFA?

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1 A If a customer called and asked me that, I
2 would look it up and I would read off what the
3 requirements are, and I would also, more than
4 likely, refer them to another Website to get some
5 more information for themselves.

6 Q Okay. What about a deed in lieu. What
7 would be the steps for a deed in lieu?

8 A For a deed in lieu -- and this is off the
9 top of my head. I would also read what would be
10 required -- a written request in a financial packet
11 with proof of income.

12 Q Okay. So generally, if a person calls in,
13 then, if you don't know the answer you have it on
14 your system, the whole guidelines of what is
15 required?

16 A I am able to look that up -- information
17 up.

18 Q So you stated that you did discuss a short
19 sale with Mr. Reaves?

20 MS. GLENN: She stated she did not recall.

21 MR. RACHEL: She did not recall, okay.

22 BY MR. RACHEL:

23 Q Do you recall discussing a deed in lieu of
24 foreclosure?

25 A I do not remember.

1 MS. GLENN: Okay. Just objecting to the
2 phrase improperly foreclosed on.

3 BY MR. RACHEL:

4 Q I'm not going to say that, but go ahead.

5 A I read the notes in the system and it
6 stated that the foreclosure had proceeded.

7 Q When did you read the notes?

8 A I do not recall the exact date.

9 Q Why would you need the notes? What would
10 urge you to read the notes if you believed, as you
11 stated earlier, and you told Mr. Reaves the property
12 was not going to be foreclosed upon, why would you
13 go back and read notes?

14 A Any file that I submit over to the loss
15 mitigation team for review, I follow that file.

16 Q Okay. His foreclosure was set for
17 September the 9th, but it was supposedly postponed
18 to October the 6th; am I correct?

19 A Yes.

20 Q Okay. So if it's postponed and it says in
21 the system postponed to October 6th, correct?

22 A Are you asking me?

23 Q Yes, I'm asking you.

24 A I'm sorry. Repeat the question.

25 Q The October the 6th date was -- it had

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1 Q Do you recall discussing the HAFA program?

2 A I do not remember.

3 Q How do you know that Mr. Reaves' property
4 was foreclosed upon?

5 MS. GLENN: Objection. Restate the
6 question.

7 BY MR. RACHEL:

8 Q How do you know Mr. Reaves' property was
9 foreclosed upon?

10 MS. GLENN: Objection to the extent it
11 calls for her to speculate or to proffer on
12 legal conclusions.

13 MR. RACHEL: She stated that he's properly
14 foreclosed on. She talked to him after the
15 foreclosure.

16 How did she know it was foreclosed upon?

17 MS. GLENN: Do you mean proper foreclosure
18 under Georgia law?

19 MR. RACHEL: No. I'm asking her to tell
20 me how she found out Mr. Reaves' property was
21 foreclosed upon. I don't want to know -- just
22 how did she find out, just like how she found
23 out Ms. Kitty Harris was no longer there.

24 I'm not asking for any legal things. Just
25 can she tell me how she found out.

1 said that in the system that it was postponed to
2 October the 6th, correct?

3 A Yes.

4 Q So if it has in the system postponed to
5 October 6th, what reason would you have on
6 September the 9th, 10th, 11th, 12th, 13th,
7 14th to review and see if it had been foreclosed?
8 Did you not trust your system?

9 A No. It is just what I would normally do.

10 Q How many files do you handle on a monthly
11 basis?

12 A I could not say for sure.

13 Q Is it 100 or more?

14 A Possibly, yes.

15 Q So you handle 100 or more files on a
16 monthly basis and you testified that you travel,
17 also, and you testified that you do have some online
18 training or something.

19 So if you have -- how many customers do
20 you have calling you on a daily basis,
21 approximately?

22 A Approximately, on a daily basis, I
23 probably get between --

24 Q Say 50, 30, 100?

25 A Maybe 20 to 30 calls.

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Q So we'll say 25 calls. Approximately how long do you have to talk to a client? What's the approximate length of time that you speak to a client on those 25 calls, average time?

A There is no average time. It depends on the customer.

Q What is the shortest average time that you would talk to a customer?

A I could not answer that.

Q When customers contact you, they are contacting you concerning the modification?

MS. GLENN: Is that a question?

MR. RACHEL: Yes.

BY MR. RACHEL:

Q Are they contacting you concerning a modification?

A Sometimes.

Q What other reasons are they contacting you?

A About reinstatements, about short sales, about purchasing properties, about grass not being cut.

Q Okay. If they're calling you about purchasing properties, grass -- we'll take out grass not being cut.

sale.

So if they're calling you about those four things, and you testified earlier that the short sales, the HAFAs, which is a part of short sales, the federal plan, the deed in lieu and the reinstatement, sometimes you need to look those up and explain to them what the system says and sometimes you explain it to them and then send them to a Website for further information.

So if you do that and those are the calls you're getting in, other than the grass cutting call, is it possible for you to talk to them and explain that to them in ten minutes?

A It could be possible.

Q So you've been able to explain to someone in ten minutes the whole process of HAFA?

A Maybe -- I'm not able to answer that. I'm not able to answer that.

Q So, then, if you're taking these 25 phone calls and they're taking whatever amount of time and you have 100 files at least a month, how do you have time to go back and check each individual file to find out if it was foreclosed upon?

MS. GLENN: David, it misstates the evidence. She didn't say that every active

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Purchasing properties, short sales, modifications, or reinstatements, is it possible for those conversations to be five minutes?

A Sometimes.

Q So if I'm calling you concerning a modification, you can explain modification to me in five minutes for me to understand as a customer?

A No, that's not what I'm saying.

Q Trying to understand what you're saying.

A Okay, I'm not understanding the question. Are you asking me --

Q I'm trying to obtain or ascertain the average length of time you have on those 25 phone calls.

The only way to obtain that is to find out what you get calls for. You said you get calls for cutting the grass, which we'll say that's a three minute conversation. I'll give you three minutes.

But the other calls, understanding a modification -- I'm calling you about a modification. I need to understand what that means and what I need to do.

You said they call about short sales. You said they call about deed in lieu. And you said they call about -- the other thing was the short

file that she had results in borrowers calling her and she also stated that she's not able to give you an average amount of time.

That assumes that she's just reading off and there are no questions from the borrower. That assumes either she's dealing with the average Ph.D. candidate or the high school dropout.

Like the question is too vague. You can narrow it down or like -- she can't answer that as asked.

BY MR. RACHEL:

Q I can ask you this way: You have a lot of phone calls every day, correct?

A Normally, yes.

Q And you have, on a monthly basis, 100 at least -- you said, in your words, 100 files per month; correct?

A I can have up to 100 active files.

Q Okay. Now are you restating? Earlier you said at least 100. Now you're saying up to 100. Which one is it? Can we do an average of 100?

A That's fine.

Q Average of 100, which means that there's 30 days -- 31 days in September, October, November

1 and -- April, June and November, roughly, anyways,
2 and the rest of them have 31 days.

3 But you only work Monday through Friday;
4 am I correct?

5 A No, you're not.

6 Q Okay. What days do you work?

7 A I can work seven days a week at times.

8 Q What is your -- generally, for the year
9 2011, approximately how many hours did you work per
10 week?

11 A I could not say. It varies.

12 Q Varies. So would you say typically -- a
13 week is 40 hours, so say an average of maybe 50?

14 A I could not say.

15 Q Well, if that being the case, even if it's
16 50 or 60, you believe that you would have time to
17 answer those numerous phone calls, as you said, and
18 explain whatever due processes are and go back and
19 check each individual file, as you stated earlier?

20 MS. GLENN: Objection to the extent it
21 calls for speculation.

22 But you can try to answer.

23 BY MR. RACHEL:

24 Q I'm just stating what you told me earlier.

25 A No, that's not what I said. I am able to

1 Q Okay. Let me ask it this way: Do you go
2 back and check all of your files, as you stated
3 earlier, or is it possible that you just check the
4 ones that are foreclosure?

5 A I do check all of my files. Do I check
6 every file every day, no. Do I prioritize my files
7 and they get checked according to how I prioritize
8 them, yes.

9 Q So you would be able to supply us -- well,
10 let me ask you this: How do you prioritize your
11 files? What is your system?

12 A Files that are pending foreclosure sale
13 dates within 30 days are at the top of the list.

14 Q Okay. Okay. Then what?

15 A Files that do not have pending foreclosure
16 sales come after that.

17 Q Okay. Then what?

18 A I try to return all phone calls within two
19 business days, if possible.

20 Q Okay.

21 A Files that have been escalated, I do
22 follow-up every day or every other day for a status.

23 Q Okay. That's it?

24 A Yes.

25 Q Okay. I guess that would help my

1 go back and check files that I think need to be
2 checked or files that are pending foreclosure sales
3 very soon.

4 Q Okay. But now your testimony to me, when
5 I asked you why did you review Mr. Reaves' file, you
6 stated "I check all my files".

7 That was -- and we can go back and have
8 her read it, if you like, but you stated "I check
9 all my files".

10 So if you check all your files, I'm merely
11 trying to ascertain as to how you would possibly
12 have enough time to check all those files and answer
13 all those phone calls and do escalations.

14 Do you believe that is theoretically
15 possible?

16 MS. GLENN: Objection, David, to the
17 extent you're calling on her to guess or
18 speculate.

19 BY MR. RACHEL:

20 Q In your job description -- is that
21 possible in your job description?

22 MS. GLENN: Objection. Anything is
23 possible. She's a very good multitasker,
24 David.

25 BY MR. RACHEL:

1 question. The ones that is escalated, that is at
2 the bottom of the list.

3 So is it just that once it's escalated you
4 believe they're going to take care of whatever needs
5 to be taken care of?

6 A When I stated to you about the escalated
7 files, I did not give that in terms of one, two,
8 three, four priority.

9 I was just telling you that that is
10 one of the things that I prioritize.

11 Q Okay. But I'm looking for you to give me
12 one, two, three, four. Now you've given me sale
13 within 30 days, no sale date, returning phone calls
14 within two days and the escalation of files.

15 So how do you prioritize that? Number one
16 would be?

17 A Files that have been escalated --

18 Q Escalated, okay.

19 A -- would be checked regularly for status.

20 Q That would be first. All right.

21 A Files that have pending foreclosure sale
22 dates would be number two.

23 Q Dates within 30 days, okay. All right.
24 And you have phone calls and no sale date.

25 A Phone calls are a priority, so they do

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1 need to be returned. I try to return them within
2 two business days.

3 And files with no foreclosure sale
4 date, I handle those accordingly.

5 Q Now, your voicemail, does your voicemail
6 say you're going to try to return phone calls within
7 48 hours or is it just a general voicemail?

8 A I do have a voicemail. I do have a
9 voicemail message that I do change. I am not sure
10 if at this time it says I will return calls within
11 48 hours.

12 Q Does it typically say that?

13 A It has said that.

14 Q Okay. Now you said that the ones that are
15 escalated are first, makes sense, and then the ones
16 with the pending 30-day sale date within 30 days.
17 Now, if we look at Mr. Reaves' file, you would have
18 had to check it prior to the 30 days, because he
19 wasn't set until October, but the original one was
20 September.

21 So you just wanted to make sure?

22 A I don't understand your question.

23 Q His file would not have fallen within that
24 30-day window. So technically it would have been
25 down all the way at the bottom or next to the

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1 A Inbox.

2 Q And then you spoke to Catherine Coto and
3 Mark Folweiler. Was that before or after the
4 foreclosure?

5 A After.

6 Q So files that are escalated to hope
7 escalation -- and I'm just trying to understand --
8 are escalated because you escalate -- escalated
9 Mr. Reaves' file because you received other
10 documents?

11 A No.

12 Q Why did you escalate?

13 A Mr. Reaves' file was escalated because,
14 when I got his documents, he was right at the
15 required timeline, per my understanding. I wanted
16 to be sure that his file was reviewed.

17 Q Okay. What did you escalate after the
18 foreclosure?

19 A I wanted to know if we were going to
20 rescind the sale.

21 Q Okay. What kind of escalation is that?
22 Does that go through Rashan Austin?

23 A Yes.

24 Q And is that -- what kind of escalation is
25 that? What is that called?

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1 bottom.

2 It had a sale date but it was not within
3 the 30 days. So it technically would have been, I
4 guess in between two and three -- between the phone
5 calls.

6 But yet you checked it. So did you just
7 have a gut feeling or --

8 A Mr. Reaves' file was an escalated file.

9 Q When was it escalated?

10 A I escalate his file when he originally
11 sent it to me.

12 Q So his file was escalated prior to the
13 foreclosure?

14 A Yes.

15 Q Okay. I'm a little confused, because
16 that's not what you told me earlier.

17 MS. GLENN: That's not what you asked her
18 earlier, David.
19 BY MR. RACHEL:

20 Q When did you escalate his file?

21 A I escalated Mr. Reaves' file when he sent
22 me his documentation.

23 Q Okay. And who did you escalate it to?

24 A The hope escalations.

25 Q Hope escalations?

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1 A We just refer to it as an escalation, an
2 escalated file.

3 Q So the file was already escalated through
4 Rashan Austin prior to the foreclosure, but then the
5 file was re-escalated to Rashan Austin again; am I
6 correct?

7 A Yes.

8 Q Is that typically how the escalation
9 process works? You can escalate a file two and
10 three or however many times?

11 A If it's necessary.

12 Q Do you believe it was necessary in this
13 case?

14 A I believe I needed to have an
15 understanding about the file.

16 Q Okay. But do you believe it was necessary
17 to escalate it?

18 MS. GLENN: Asked and answered.

19 MR. RACHEL: She didn't answer that. She
20 said -- I believe she wanted to obtain. That's
21 a yes or no. I want a yes or no.

22 BY MR. RACHEL:

23 Q Do you believe that it was necessary to
24 escalate the file?

25 A Yes.

Q Now, I think I didn't get my answer earlier because we went off into wrongful foreclosures or I think you said the property was rightfully foreclosed.

You stated that you knew the property was foreclosed upon from the notes?

A Yes.

Q Did Mr. Reaves call you concerning the foreclosure?

A Yes.

Q Did he indicate to you that his insurance company contacted him and told him his insurance was dropped?

A I don't remember.

Q Did you ever talk to the law firm concerning his foreclosure?

A I do not believe I did. I don't remember.

Q Now, I just want to clarify before we start pulling records. Did you say you don't know if you had a conversation with Kitty Harris or you didn't have a conversation with Kitty Harris?

A I don't remember.

Q You don't remember.

A I'm sorry.

Q So you don't remember whether you had a

Q But you stated earlier that the timeline had been met?

A I thought the timeline had been met.

Q I was just clarifying.

MS. GLENN: How much longer have you got?

MR. RACHEL: I may be done. One moment.

MS. GLENN: Do you want to take a break and look over your notes?

MR. RACHEL: Yes, we can do that.

(Whereupon, a brief recess was taken.)

BY MR. RACHEL:

Q I just want to clarify. You actually found out about the foreclosure through the system and not by Mr. Reaves contacting you?

A I am not sure if he called first or if I had already saw it. I could not say.

Q Okay. Because you remember -- did he ever call you at the airport?

A I just don't really remember talking to him, but more than likely I did speak to him.

Q Okay. Because it was his understanding that that's when he told you, that you was at the airport. That's why I asked, okay.

So -- and if you was at the airport, would you have access to be able to check the system?

conversation with Kitty Harris. Did you, at any time, tell Mr. Reaves that he may have a problem with his foreclosure?

A I don't remember using those words.

Q Did you ever have any apprehension of speaking frank with Mr. Reaves?

MS. GLENN: Objection as to relevance.

BY MR. RACHEL:

Q You can answer the question.

A No, no.

Q Did you ever believe your conversations with Mr. Reaves would cause you to lose your job?

A No.

Q Did Mr. Reaves -- when he contacted you concerning the foreclosure after the foreclosure, what was that conversation concerning or what was the outcome of that conversation?

A I told him that it had gone to foreclosure sale. I told him about -- I think the timeline, that it was the timeline had not been met.

Those -- that's what I remember. I do not remember the entire conversation.

Q Now, is that what the system said, the timeline hasn't been met?

A Yes.

A I would have looked something like that up immediately.

Q Okay. What I'm saying, though, if you're at the airport, is it probable that you wasn't looking at the system prior to him calling if you're at the airport?

A Maybe.

Q So it's possible that he did actually call you and tell you and then you immediately jumped on it?

A It is possible.

Q Okay. Now you did say you advised him that the foreclosure was postponed until October the 6th?

A Yes, I did.

Q Now -- so do you believe that him believing that it didn't foreclose, he didn't try to do any other options, whether deed in lieu or foreclosure or a short sale?

Have you had a customer, once you've told them that their property has been postponed, to continually call you or call you and ask you about some other option if they're working on a modification?

A Sometimes.

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1 Q And what would they call about?
2 A Sometimes customers want to talk about
3 some other options, since they have a little more
4 time.
5 Q Did Mr. Reaves call you to discuss any
6 other options?
7 A I don't remember.
8 Q Do you believe, since he was adamant about
9 the reinstatement, that he may have just reinstated
10 it to keep it from being foreclosed if he had known
11 it was foreclosed on?
12 MS. GLENN: Objection. Speculation.
13 THE WITNESS: I cannot speculate.
14 BY MR. RACHEL:
15 Q In telling Mr. Reaves that on October the
16 6th, it would be his new foreclosure date, are you
17 aware that you could have caused him not to take any
18 other actions to stop that foreclosure, whether it
19 be a bankruptcy or whatever else?
20 MS. GLENN: Objection as to speculation.
21 THE WITNESS: Repeat the question, please.
22 BY MR. RACHEL:
23 Q Are you aware that, being a representative
24 of GMAC, when you advised him that the foreclosure
25 was postponed, he was not afforded any other

1 what was going on?
2 Was he that type of person that would call
3 you over and over and over to make sure everything
4 was right?
5 A Can you clarify that a little bit more?
6 Q Was he a detail person that was trying to
7 make sure everything was right and he was taken care
8 of?
9 MS. GLENN: Objection to the extent you're
10 asking her to speculate as to Mr. Reaves'
11 propensities.
12 BY MR. RACHEL:
13 Q In your conversation with Mr. Reaves, was
14 he detailed enough to tell you what your last
15 conversations were and what was going on?
16 A Mr. Reaves seemed detailed.
17 MS. GLENN: David, her answers are simple.
18 Your questions are not. You can just ask her
19 did he appear detailed.
20 BY MR. RACHEL:
21 Q Did he appear as the type of person that
22 would go through all this if this happened?
23 A I can't speculate.
24 Q So in your opinion -- let me make sure I
25 clarify this, as a -- let me get your title.

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1 ramifications or legal rights, such as to file a
2 bankruptcy or something else to stop the
3 foreclosure?
4 MS. GLENN: Objection as to speculation.
5 Improper lay testimony.
6 THE WITNESS: Yes.
7 BY MR. RACHEL:
8 Q But you really believed the foreclosure
9 was stopped?
10 MS. GLENN: Asked and answered.
11 MR. RACHEL: Well, I want to make sure
12 that we know she wasn't just trying to tell him
13 something.
14 BY MR. RACHEL:
15 Q Did you believe that, in your dealings
16 with Mr. Reaves, that he would try to get to the
17 bottom of it, since he was so adamant about that
18 money -- whatever the thing was called, the
19 miscellaneous fee?
20 MS. GLENN: Objection. Vague.
21 David, what do you mean by "get to the
22 bottom of it"?
23 BY MR. RACHEL:
24 Q After the foreclosure, did you believe he
25 was going to keep calling until he could find out

1 MS. GLENN: You can tell him your title.
2 THE WITNESS: I am a Community Relations
3 Specialist.
4 BY MR. RACHEL:
5 Q There you go, Community Relations
6 Specialist. Did Mr. Reaves ever indicate to you
7 that he did have the funds available for the
8 reinstatement?
9 A I do not remember Mr. Reaves telling me he
10 had the funds for reinstatement.
11 Q So in your opinion, as a Community
12 Relations Specialist, did Mr. Reaves do everything
13 you told him to do in forwarding documents and
14 adhere to your guidelines?
15 A Mr. Reaves did forward -- he did return
16 the documents back to me.
17 Q Okay. So he did everything, basically,
18 that he was supposed to do?
19 A To my knowledge, yes.
20 MR. RACHEL: I'm done.
21 MS. GLENN: Just a few redirect questions.
22 EXAMINATION
23 BY MS. GLENN:
24 Q Ms. Bowers, are there any circumstances
25 where you're required to escalate a file?

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1 A No, there are no circumstances where I'm
2 required to escalate a file.

3 Q So you were always permitted to use your
4 own discretion as to whether a file should or should
5 not be escalated?

6 A Yes. For the most part, yes.

7 Q You testified that there are multiple
8 reasons that a file could be escalated?

9 A Yes, there are multiple reasons a file
10 could be escalated.

11 Q For instance, if a borrower required some
12 form of written documentation?

13 A Yes, I could escalate a file if a borrower
14 was requesting written documentation.

15 Q So because a file is escalated, that
16 doesn't necessarily mean that you perceived
17 something wrong with the file?

18 A No, it does not.

19 Q Okay. Nothing further.

20 (Deposition Concluded)

21
22 _____
23 KENNETH REAVES

24 Sworn to and subscribed before me,
25 this the ____ day of _____, 2002.

Notary Public

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1 CERTIFICATE

2 -----
3 STATE OF GEORGIA:
4 FULTON COUNTY:

5 I hereby certify that the foregoing
6 transcript was taken down as stated in the caption,
7 and the questions and answers thereto were reduced
8 to typewriting under my direction; that the
9 foregoing pages 1 through 105 represent a true and
10 correct transcript of the evidence given upon said
11 hearing, and I further certify that I am not a
12 relative or employee or attorney or counsel of any
13 of the parties, nor am I a relative or employee of
14 such attorney or counsel, nor am I financially
15 interested in the action.

16 This the 4th day of May, 2012.

17
18 _____
19 KELLY A. EMERY, CCR-B-941
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1 My commission expires:
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